

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

AUGUST 4, 2010

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, August 4, 2010 at 7:30 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Lise Gescheidt, David Collins, John Jackson, Richard Taylor, Susan Krumholz, Matt Cayer (alternate) and Wendy Taylor Humphrey (alternate)

Also present were: Peter Ruggiero, Town Solicitor, Mary Ann Escobar, Court Reporter and Gareth Eames, Building Official.

1. A petition has been filed by Louis A. & Jane L. Ledoux of Somerset, Ma requesting a variance to Article V Section 1 and Article VI Section 8 of the Tiverton Zoning Ordinance in order to construct a single family dwelling at the End of Hayden Ave, Tiverton, RI being Map 1-13 Block 94 Card 7A on Tiverton Tax Assessor's maps with less than required frontage and without a "T shaped turnaround" located in a R30 zoning district.

DECISION: Mr. Ledoux requested a continuance. Ms. Krumholz made a motion to continue to October 6, 2010. Seconded by Mr. Collins. The Vote was unanimous.

2. A petition has been filed by Jeremiah R. Leary of 1340 Main Road, Tiverton, RI requesting a variance from Article V, Sections 1 and 2.b, Article XIV Section 5, Article VIII Sections 3, 3(d) and 3(d)(3) in order to raze an existing single family dwelling and shed, relocate another single family dwelling to where the razed dwelling was and to construct a new single family dwelling where the dwelling that was re-located was, all located at 44, 56, 65 & 67 Borden Lane, Tiverton, RI being Map 4-11 Block 113 Cards 28A & 28B with more than one principal use and structure on the lot, closer to the rear and side yard setbacks, extending, enlarging or moving a non-conforming use and exceeding allowed density, within 200 feet of Stafford Pond and exceeding 10% coverage allowed in a R60 zoning district within the watershed protection district.

DECISION: Attorney Jeremiah Leary appeared on behalf of the petitioners. He stated that the petitioners would like to construct a new house on what is currently known as 56 Borden and raze the existing house that is there. In addition, they are going to be removing an existing shed and impervious surfaces on the property. They will replace the two existing septic systems with a new state of the art septic system. They have

submitted an environmental review statement which has been approved by the Tiverton Planning Board.

Mrs. Susan Ferry appeared before the board and stated the reason they wish to do so is they currently have a one bedroom dwelling and would like to start a family. They wish to expand their home to a two bedroom.

Mr. Don Medeiros, land surveyor, appeared before the board and explained to the board that the new house will be replacing the old house. He also stated that the current impervious surface is 6,411 square feet which equals 14.8 percent. After they do their improvements, there will be a slight decrease to the area. It will be 6,396 square feet which rounds out to 14.8 percent which is equivalent to the existing impervious area.

Mr. William Smith, engineer, appeared before the board and described the new state of the art septic system which he designed for the petitioners. This will replace the two old septic systems currently on the property. He also has designed a rain garden that will collect any run off from the property. He stated that this improvement will not be detrimental to the environment.

Numerous neighbors came forward in support of the petitioners, stating they are good people, good neighbors, and they see it as an improvement to their neighborhood.

Exhibits marked: Exhibit A – Trust Agreement

The Board went into Executive Session to discuss the matter. Mr. Collins made a motion to grant the variance for the relief requested. Mr. Jackson seconded. The Vote was unanimous.

3. A petition has been filed by Jeremiah R. Leary of 1340 Main Road, Tiverton, RI requesting a special use permit to Article VI Section 7, Article VIII Sections 3, 3(d) and 3(d)(3) in order to raze an existing single family dwelling and shed, relocate another single family dwelling to where the razed dwelling was, to construct a new single family dwelling where the home that was re-located was and to install an onsite wastewater treatment system located at 44, 56, 65 & 67 Borden Lane, Tiverton, RI being Map 4-11 Block 113 Cards 28A & 28B within 200 feet of Stafford Pond, exceeding allowed density, with uses not specifically permitted or prohibited and exceeding 10% coverage allowed in a R60 zoning district within the watershed protection district which require a special use permit.

DECISION: Attorney Jeremiah Leary appeared on behalf of the petitioners. He stated that the petitioners would like to construct a new house on what is currently known as 56 Borden and raze the existing house that is there. In addition, they are going to be

removing an existing shed and impervious surfaces on the property. They will replace the two existing septic systems with a new state of the art septic system. They have submitted an environmental review statement which has been approved by the Tiverton Planning Board.

Mrs. Susan Ferry appeared before the board and stated the reason they wish to do so is they currently have a one bedroom dwelling and would like to start a family. They wish to expand their home to a two bedroom.

Mr. Don Medeiros, land surveyor, appeared before the board and explained to the board that the new house will be replacing the old house. He also stated that the current impervious surface is 6,411 square feet which equals 14.8 percent. After they do their improvements, there will be a slight decrease to the area. It will be 6,396 square feet which rounds out to 14.8 percent which is equivalent to the existing impervious area.

Mr. William Smith, engineer, appeared before the board and described the new state of the art septic system which he designed for the petitioners. This will replace the two old septic systems currently on the property. He also has designed a rain garden that will collect any run off from the property. He stated that this improvement will not be detrimental to the environment.

Numerous neighbors came forward in support of the petitioners, stating they are good people, good neighbors, and they see it as an improvement to their neighborhood.

Exhibits marked: Exhibit A – Trust Agreement

The Board went into Executive Session to discuss the matter. Mr. Collins made a motion to grant the special use variance. Mr. Jackson seconded. The Vote was unanimous.

4. A petition has been filed by Jeremiah R. Leary, Esquire for John Manchester of 2970 Main Road, Tiverton, RI requesting a variance to Article IV Section 3.a., 15 & 10.f. of the Tiverton Zoning Ordinance in order to use vehicles and equipment housed on the premises to both make deliveries and installation off site of produce grown on the premises and to perform landscaping activities off site including but not limited to retail sales with open lot storage on the premises located at 1211 Fish Road, Tiverton, RI being Map 2-10 Block 92 Card 6 on Tiverton Tax Assessor's Maps and located in an R40 & Highway Commercial zoning district.

DECISION: Attorney Jeremiah Leary appeared on behalf of the petitioner. They are requesting relief in order for Mr. Manchester to be able to run a landscaping business out

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of this site. He currently is permitted to grow trees and do farming, but would not be allowed to go to a customer's house to plant such trees and the like.

Mr. Donald Bento appeared before the board stating that he is the owner of this property. He currently has an agreement to sell this property to Mr. Manchester.

Mr. Manchester appeared before the board and stated that he would like to run a nursery out of this site and also be able to do landscaping as well. He stated that they usually start working at 7:00 in the morning and quit by 4:30.

The Board went into Executive Session to discuss the matter. Mr. Collins made a motion to grant the variance, stating that the property is currently used for this manner and that there is no significant change to the property. He stated that the landscaping business is incidental to the nursery business. Ms. Krumholz seconded. The Vote was unanimous.

Exhibits marked: Exhibit A – zoning certificate.

Administrative Items: Mr. Taylor made a motion to accept the July 7th minutes. Ms. Krumholz seconded. The Vote was unanimous. Mr. Taylor made a motion to adjourn. Mr. Jackson seconded. The Vote was unanimous.

The meeting ended at 9:43 p.m.